

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 34-41, 45-50, 52, 54-59, 61-63, 66, 69-75, 77-84, 88-93, 95, 97-102, 104-106, 108, 109 and 112-118 under 35 U.S.C. §103 as being unpatentable over Fu et al. (U.S. Patent No. 4,803,625; hereinafter Fu) and Lee (U.S. Patent No. 4,838,275) in view of Kirk et al. (U.S. Patent No. 5,390,238; hereinafter Kirk) is respectfully traversed and should be withdrawn.

The rejection of claims 42, 44, 85 and 87 under 35 U.S.C. §103 as being unpatentable over Fu, Lee and Kirk and further in view of Beckers (U.S. Patent No. 5,019,974) is respectfully traversed and should be withdrawn.

The rejection of claims 51, 53, 60, 64, 67, 68, 94, 96, 103, 107, 110 and 111 under 35 U.S.C. §103 as being unpatentable over Fu, Lee and Kirk and further in view of Fujimoto (U.S. Patent No. 5,339,821) is respectfully traversed and should be withdrawn.

The rejection of claims 43 and 86 under 35 U.S.C. §103 as being unpatentable over Fu, Lee and Kirk, and further in view of

Examiner's use of Official Notice is respectfully traversed and should be withdrawn.

The rejection of claims 76 and 119-138 under 35 U.S.C. §103 as being unpatentable over Fu, Lee and Kirk, and further in view of Examiner's use of Official Notice is respectfully traversed and should be withdrawn.

An Applicant may overcome a 35 U.S.C. §103 rejection based on a combination of references by showing completion of the invention by the Applicant prior to the effective date of any of the references; Applicant need not antedate the reference with the earliest filing date (MPEP §715.02(I)). The Applicant may antedate a reference by providing evidence of prior conception of the invention coupled with diligence beginning prior to the effective reference date until either an actual reduction to practice of the invention or the filing of the patent application (see 37 CFR 1.131(b)). Proof of reasonable diligence does not require the inventor to work constantly on the invention or to drop all other work (*Mycogen Plant Science, Inc., v. Monsanto Co.*, 252 F.3d 1306, 1316, 58 USPQ2d 1891, 1899 (Fed. Cir. 2001), reh'g denied, 261 F.3d 1345, 59 USPQ2d 1852 (Fed. Cir. 2001); see *Bey v. Kollonitsch*, 806 F.2d 1024, 1028, 231 USPQ 967, 970 (Fed. Cir. 1986)).

The earliest priority date of Kirk is June 15, 1992. In particular, Kirk has a filing date of June 15, 1992 (see Kirk at

page 1, item (22)). The present invention was conceived prior to June 15, 1992 (see paragraph 5 of the Declaration of Stephen J. Brown). Therefore, the earliest effective filing date of Kirk is after the conception of the present invention.

The attached Declaration of Stephen J. Brown and the Exhibits A-AB provide evidence of the prior conception and diligence from just prior to the filing date of Kirk (i.e., June 15, 1992) up to the effective filing date of the present application (i.e., November 17, 1992). The presently claimed invention was conceived prior to the effective date of Kirk and diligently reduced to practice through the filing of the patent application to which the present application claims priority (see the Declaration of Stephen J. Brown). Therefore, Kirk is not available as prior art against the claims. As such, the presently pending claims are fully patentable and the rejections should be withdrawn.

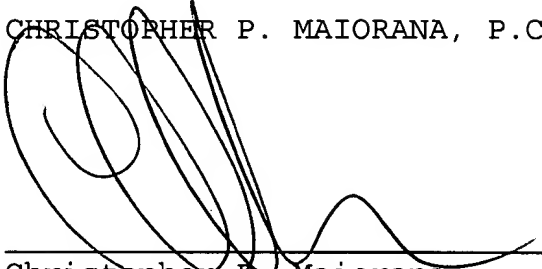
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicant's representative at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit
Account No. 50-0541.

Respectfully submitted,

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